The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use of the Property as an amusement game center pursuant to the Zoning Regulations which permit a commercial recreation encerprise

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> I/We do solemnly declare and are the legal owner(s) of the property ics

15%

(Tenant)
Contract Purchaser: Huntmak Associates, a Partnership .//. Cortana Space Port, Inc., a----(Type or Print Name) Louisiana Corporation (Type o by: Man lodon V.

Signature Marc Rodstein, Vice-President 501 Masons Mill Business Park Type or Prini Name) President of KRAUCA, INC Huntingdon Valley, Pennsylvania 19006

Attorney for Petitioner: Raymond F. Altman.

IT Altru e 1230 Sun Life Building Charles Center more, Maryland 21201

332-1400

Name, address and phone number of legal owner, contract purchaser or representative to be contacted Raymond F. Altman 1230 Sun Life Building,
Charles Center 332-1400 Address Phone No. Baltimore, Maryland 21201

RDERED By The Zoning Commissioner of Baltimore County, this _____ 24th__ day April 19.81, that the subject matter of this petition be advertised, as uired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-Baltimore County, that property be posted, and that the public hearing be had before the Zoning nissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

___P__M.

FOR

RE: PETITION FOR SPECIAL HEARING To use property as amusement game center in a BM zone

NE corner of Shawan Rd. and McCormick Rd. Extension, 8th District

HUNTMAK ASSOCIATES, Petitioner

BEFORE

May Deign

1:30

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY No. 81-197-SPH

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner denying the petition for a special hearing. Case was heard this day "De Novo" in its entirety.

Petitioners propose to use 1840 sq. ft. of leased area in the Hunt Vailey Mall for an amusement center containing approximately 60 video type machines. They presented plans indicating carpeted floors and walls, absolutely no food, beverages or smoking allowed and constant attendance of a video game technician whose duties would include not only machine repairs, but would answer questions, make change and maintain order. The question to be decided by this Board is whether an amusement center of this specific nature is or is not a commercial recreation enterprise, which is permitted use in the B.M. and B.R. business zones.

The Board is of the opinion that the operation as presented this day should be considered a commercial recreation enterprise. In order to substantiate this opinion, the Board will define what would constitute a commercial recreation enterprise. A commercial recreation enterprise must be the only business conducted on the premises and cannot encompass any retail sales (emphasis added) of food, beverages, tobacco items, etc. In no way could the operation of several video type machines as an ancillary use to a principal business be considered a commercial recreation enterprise. A commercial recreation enterplise must be manned by competent personnel, able to take care of these electronic machines and constantly police the business to prevent any possible disturbances by those persons operating or viewing the operation of these machines.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12 19 day of June, 1981, that an amusement game center does not fall within the purview of a commercial recreation enterprise and, as such, the herein Petition for Special Hearing is hereby DENIED.

> Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL HEARING

8th District

ZONING: LOCATION: Petition for Special Hearing

Northeast corner of Shawan Road and McCormick Road Extension

DATE & TIME:

Tuesday, May 26, 1981 at 1:30 P.M.

Room 106, County Office Building, 111 W. Chesapeake Avenue, PUBLIC HEARING: Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

> Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use of the property as an amusement game center pursuant to the Zoning Regulations which permit a commercial recreation enterprise in a BM Zone.

All that parcel of land in the Eighth District of Baltimore County

Being the property of Huntmak Associates, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, May 26, 1981 at 1:30 P.M. Public Hearing: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

> BY ORDER OF WILLIAM E. HAMMOND ZONING COMMISSIONER OF BALTIMORE COUNTY

> > (a)

File No. 81-193-SPH

Huntmak Associates Case No. 81-193-SPH

Under these specific conditions, an operation of a business as proposed here, would be a commercial recreation enterprise and the Board will so order. It is the opinion of this Board that the intent of Section 233.2 of the Baltimore County Zoning Regulations would be properly served by the decision in this Order.

ORDER

For reasons stated in the aforegoing Opinion, it is this 22nd day of September, 1981, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated June 12, 1981, be REVERSED and that the operation as proposed be declared a commercial recreation enterprise with the restrictions and conditions here and above described being totally complied with.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John V. Murphy

PETITION FOR SPECIAL HEARING IN THE To use property as amusement game center in a BM zone CIRCUIT COURT NE corner of Shawan Rd. and FOR York Road, 8th District. BALTIMORE COUNTY HUNTMAK ASSOCIATES, Petitioner : AND Appellee ADMINISTRATIVE APPEAL Kenneth Bosley FROM CRDER OF THE COUNTY BOARD OF APPEALS OF Cockeysville, Md. 21030 BALTIMORE COUNTY

ORDER FOR APPEAL

Appellant

Mr. Clerk:

Please enter an Appeal on behalf of Kenneth Bosley from an Order of the County Board of Appeals of Baltimore passed in the above entitled matter on the 22nd day of September 1981.

> - Sun El Burry Kenneth Bosley Cockeysville, Maryland 21030

CERTIFICATE OF COMPLIANCE

I hereby certify that a copy of the above Order for Appeal has been delivered to the County Board of Appeals of Baltimore County in accordance with Rule B2 and Rule 306 C of the Maryland Rules of Procedure prior to the filing of the same with the Clerk of the Circuit Court for Baltimore County.

familt Brien Kenneth Bosley

771-4316

Appellant

DESCRIPTION FOR SPECIAL HEARING

The premises known as Store No.254 having dimensions of 20 feet of frontage and 92 feet in depth for a total area of 1840 square feet and located in the upper level of the enclosed Mall in the Shopping Center known as Hunt Valley Mall located at the northeast intersection of Shawan Road and McCormick Road Extension, Baltimore County, Maryland, the entire tract comprising said Shopping Center being recorded among the Land Records of Baltimore County in Plat Book 46, Folio 27.

RE: PETITION FOR SPECIAL HEARING IN THE to use property as amusement game center in a BM zone CIRCUIT COURT NE corner of Shawan Road and McCormick Road Extension, FOR 8th District BALTIMORE COUNTY Huntmak Associates, Petitioner AT LAW File No. 81-193-SPH Misc. Docket No. 13 Kenneth Bosley, Appellant Folio No. i ile No.

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hacket, John V. Murphy, and John A. Miller, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Kenneth Bosley, Box 344, Cockeysville, Md. 21030, Protestant-Appellant; Cortana Space Port, Inc., 501 Masons Mill Business Park, Huntingdon Valley, Pa., 19006, Pertioners; Huntmak Associates, c/o Kravco, Inc., 160 King of Prussia Plaza, P. O. Box 135, King of Prussia, Pa. 19406, Petitioners; Raymond F. Altman, Esq., Suite 1230, Sun Life Building, Charles Center, Baltimore, Md. 21201, Counsel for Petitioners; Richard F. Compton, Associate Director, Broadmead, 13801 York Rd., Cockeysville, Md. 21030; and Thomas J. Bollinger, Esq., Court House, Towson, Md. 21204, Assistant County Solicitor, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

> County Board of Appeals of Baltimore County Rm. 200, Court House, Towson, Md. 21204 494-3180

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts:

- 1. The petitioner herein seeks an interpretation of Section 233.2 of the Baltimore County Zoning Regulations to allow an amusement game center as a permitted use in a Business, h. or (B.M.) Zone in Hunt Valley Mall, Store Number 2', containing 1,840 square feet of leased space.
- 2. Section 233.2, in part, reads as follows:

"Commercial recreational enterprises, including dance halls, skating rinks, and others which-in the judgment of the zoning commissioner—are similar, but excluding merry-go-rounds and freak shows, shooting galleries and penny arcades;".

- 3. Both the petitioner's testimony and Petitioner's Exhibit 2 indicate a unique motif in interior decor, a controlled mode of operation and security, and a business which would be an asset to the
- 4. The only protestant appearing at the hearing owns property adjacent to the mall and based his objection or the possibility of an influx of traffic to the area.
- 5. The petitioner's counsel presented in his argument two Opinions rendered by the County Board of Appeals (Case Nos. 77-249-SPH and 77-250-SPH), wherein the Board stated:

"Depending upon the particulars of each proposed amusement game center, it is the judgment of the Board that if the particular proposal is limited the existing zoning regulations can be fairly and equitably interpreted so as to treat the proposed amusement game center as a commercial recreation enterprise and, hence, allowed as a matter of right in a B.M. zone."

In continuing, the Board said:

"It is important, and the Board would wish to point out, that in making this interpretation it is not blanketly finding that such amusement game centers may deem to be commercial recreation enterprises and allowed as a matter of right in a B.M. zone, but the Board, after carefully weighing the proposal in this particular instance, is satisfied that, subject to the restrictions which will be imposed, such an amusement game center can operate and such land use he fairly interpreted as a commercial recreation enterprise in a B.M. zone."

Words and Phrases, Volume 31A, defines "penny arcade" as being: "a place where a number of machines are kept for profit, each of which, by a mechanical arrangement, exhibits pictures to a person who drops a penny into a slot. Fichtenberg v. Atlarta, 54S.E. 933, 126Ga. 62."

7. While the decisions of the Board of Appeals are persuasive, they are not binding, particularly in view of the definition of the term "penny arcade", which is specifically excluded as a use under the general descriptive term "commercial recreation enterprise" in a B.M. Zone.

and, therefore,

DAT

IN THE RE: PETITION FOR SPECIAL HEARING to use property as amusement game CIRCUIT COURT center in a BM zone NE corner of Shawan Rd. and FOR McCormick Rd. Extension, 8th District BALTIMORE COUNTY Huntmak Associates, Petitioner AT LAW File No. 81-193-SPH Misc. Docket No. 13 Kenneth Bosley, Appellant 330 Folio No. **7**600 File No.

> CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD

> > OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, John V. Murphy and John A. Miller, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 81-193-SPH

Petition of Huntmak Associates for special hearing for the use of the April 24, 1981 property as an amusement game center pursuant to the Zoning Regulations which permit a commercial recreation enterprise in a

Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for May 26, 1981, at 1:30 p.m.

Certificate of Posting of property - filed May 6, "

" Publication in newspaper - filed May 7, "

Comments of Baltimore County Director of Planning - filed May 13, "

May 15, " Comments of Baltimore County Zoning Plans Advisory Committee -

Huntmak Associates Case No. 81-193-SPH

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Kenneth Bosley, Box 344, Cockeysville, Md. 21030, Protestant-Appellant; Cortana Space Port, Inc., 501 Masons Mill Business Park, Huntingdon Valley, Pa. 19006, Petitioners; Huntmak Associates, c/o Kravco, Inc., 160 King of Prussia Plaza, P. O. Box 135, King of Prussia, Pa. 19406, Petitioners; Raymond F. Altman, Esq., Scite 15.0, Sun Life Lidg., Charles Center, Baltimore, Md. 21201, Counsel for Petitioners, Richard F. Compton, Associate Director, Broadmead, 13801 York Rd., Cockeysville, Md. 21030; and Thomas J. Bollinger, Esq., Court House, Towson, Md. 21204, Assistant County Solicitor, on this 21st day of October, 1981.

County Board of Appeals of Baltimore County

Huntmak Associates Case No. 81-193-SPH

cc: T. J. Bollinger, Esq.

Kenneth Bosley R. F. Altman, Fsq.

At 1:30 p.m. hearing held on petition by Zoning Commissioner May 26, 1981

Order of Zoning Commissioner denying special hearing June 12, " Order for Appeal to County Board of Appeals from Order of Zoning June 19, "

Heari-3 on appeal before County Board of Appeals August 20, "

Order of County Board of Appeals ordering that the Order of the September 22, Zoning Commissioner, dated June 12, 1981, be REVERSED and that the operation as proposed be declared a commercial recreation enterprise with the restrictions and conditions here and above described being totally complied with

Order for Appeal filed in the Circuit Court for Baltimore County October 20, by Kenneth Bosley, Protestant

October 21, Certificate of Notice sent to all interested parties

October 30, " Petition to accompany Order for Appeal filed in the Circuit Court for Baltimore County

Transcript of testimony filed - 1 volume December 2, "

Petitioners' Exhibit No. 1 - Lease from Hunt Valley Mall

" 2 - Brochure outlining photos/exhibits

" 3 - Video tape

" 4 - Opinion of Bd. of Appeals, \$77-249-SPH

County Exhibit No. 1 - Statement by Richard Compton, Broadmead

Record of proceedings filed in the Circuit Ct. for Baltimore County December 11, "

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations whenever directed to do so by this Court.

Respectfully submitted,

County Board of Appeals of Baltimore County

(Re: HUNTMAK ASSOCIATES Hunt Vallay Mall Cockeysville, Maryland 21030), Court House, Towson, Ed. 21204 DEFENDANTS I ETITION

Cockeysville, Karyland 21030

COUNTY BOARD OF AFPEALS.

Petitioner

KENNETH BOSLEY

30x 334

The Petition of Kenneth Bosley, Appellant from the County Board of Appeals, in proper person, respectfully represents unto this Honorable Court:

TH THE

At Law

CTROUTT COURT

PALITIMORE COUNTY

Case No. 7680

м13/330

1. That this is an action filed in Court from an Administrative Appeal from an Order of the County Board of Appeals of Baltimore County in the matter of a Petition for Special Hearing, No. 81-193-SFH, regarding Huntmak Associates request for a zoning change for their tenart, Cortana Space Port, Inc., Houston, Texas.

2. That the Petitioner, in this law case, Bosley, is the owner of a certain parcel of real estate and improvements thereoh, known as The Thornto Mill, located between Shawan Road and Thornton Mill Poad, Eight District of Baltimore County, consisting of 36 acres of land.

3. That located several hundred feet from the Petitioner property. Huntmak Associates have requested a change of zoning on their newly acquired land, located on the North East corner of Shawan and York Road.

4. That Huntmak Associates seeks to re-classify their zoning use of part of the Hurt Valley Mall to a use as an ammusement game center in a B.M. sone, (Business Major).

5. That the County Board of Appeals of Baltimore County by its Opinion and Order on September 22, 1981 reversed the Order of the Zoning Commissioner, William Hammond, Esquire, which was passed in June 12, 1981, in the above cited proceeding.

KENNETH BOSLEY IN THE Appellant CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW HUNTMAK ASSOCIATES Misc. Docket No. 13 Folio 330, File 7680 CORTANA SPACE PORT, INC. Appellees

The proceedings under this cause were by the Court heard and considered on January 29, 1982.

It is thereupon this /6 day of February, 1982 by the Circuit Court for Baltimore County

ORDERED, that the Motion To Stay Proceeding filed in these proceedings by Kenneth Bosley is moot and said Motion To Stay Proceeding be and the same is hereby denied; and

FURTHER ORDERED, that the Motion To Dismiss filed herein by the Appellees relating to the failure of Kenneth Bosley to comply with Rule Bl2 of the Maryland Rules Of Procedure be and the same is hereby granted; and it is

FURTHER ORDERED, that the Appeal filed in these proceedings by Kenneth Bosley, in proper person, be and the same is hereby dismissed; and it is

FURTHER ORDERED, that the Appellant, Kenneth Bosley, be and he is hereby ordered to pay the Court costs of this proceeding.

idgé James H. Langrall

FILED FEB 1 6 1982

6. That the aforesaid Order of the Board of Appeals, dated September 22, 1981, is erroneous, illegal, and arbitary for the following reasons:

(a) That the Board of Appeals by its ruling will have mixed a commerical recreation use with shopping center uses and that this action is arbitray, unreasonable, and contrary to law.

(b) That the County Board of Appeals misinterpretted the law applicable to this zoning proceeding.

(c) That the County Board of Appeals has attempted to rewrite and reword the Baltimore County Zoning Regulations by changing the definition of certain words therin set forth and that such acts by the County Board of Appeals are an unlawful attempt by said Board to preform legislative acts which by public law are reserved to the County Council of Haltimore County who are elected by the people of this County.

(d) That the Opinion and subsequent Order of the County Doard of Appeals is an arbitrary and capricious act on part of said "card designed to interfere with your Petitioner constitutional right to enjoy the quiet and peaceful possession of his property within the expressed provosions of the Baltimore County Zoning Regulations and within the protection of the Constitutions of the State of Haryland and the United States of Ameraica.

(e) That the following use Regulations only are permitted in a P.it. Zone, "Commerical recreation enterprises, including dance halls, skating rinks, and others which ----in the judgement of the Zoning Commissioner---are similar, but excluding merry-go-rounds and freak shows, shooting galleries and penny arcades"..

of the nature of the operation that Huntmak Associates proposed.

(f) That the Order of the Board is not in accord with the Zoning Opinion handed down the Court of Special Appeals for this exact parcel of land, which citation is listed as Case No. 787 (1979), Stump v. The Grand Lodge of AF & AM.

WHEREFORE your Fetitioner pray that this Honorable Court:

1. Reverse the aforesaid Order of the County Doard of Appeals, and Frank such other and further relief that may be appropriate.

> Kenneth bosley Box 334, Cockeysville, Md. 21030 771-4316

I HERMAY CENTIFY that on this 29th day of October 1981 that a copy of the above Petition has been delivered to the County Board of Appeals for Baltimore County in accordance with Rule B2e prior to the filing on the same with the Clerk of this Court, and to Raymond F. Altman, Suite 1230, Sun Life Building, Charles Center, Baltimore, Maryland 21201.

HUNTMAK ASSOCIATES

No. 81-193-SPH

NE corner of Shawan Rd. and McCormick Rd. Extension

8th District

SPH-to use property as amusement game center in a BM zone

April 24, 1981 Petition filed June 12, " ZC DENIED special hearing June 19, " Order for Appeal to C.B. of A. filed Aug. 20, Hearing held before the 6d. Sept. 22, " Order of the Bd. ordering that the Order of the Z. C. be REVERSED and that operation as proposed be declared a commercial recreation enterprise with restrictions and

Oct. 20, Order for Appeal filed in the Cir. Ct. by Kenneth Bosley,

conditions above complied with

Dec. 11, Record of proceedings filed in the Cir. Court

Dismissed - Judge James H. Langrall 3/5/42 CCKILTEN RIEGEL J. HISWELL

J. TIESSIAN

Order for Appeal filed in the Court of Special Appeals Mar. 16 by Kenneth Bosley ç (Nov. 18

Court of Special Appeals ORDERED "The Appellees would now be entitled to their arcade as a matter of right and the challenge raised by the appellant is, therefore, mooted." AFFIRMED JUDGE LANGRALL'S DISMISSAL FOR NOT FILING MEMORANDUM

11/23/82-00 a microsi

		Advance Costs
7680	RE: PETITION FOR SPECIAL HEARING To use property as amusement game center in a E4 zone NE corner of Shawan Rd. and York Road, 8th District	Pltff's Atty
	HUNTMAK ASSOCIATES, Petitioner & Appellee	Receipt No. 76 999
>P.P. Raymond F. Altman	KENNETH BOSLEY Appellant CORTANA SPICE PORT, INC. RICHARD F. COMPTON, ASSOCIATE DIRECTOR	ADDITIONAL COSTS Deft's Atty 5.00 Clerk 600 5.00 Approx 1- 3000 3/10/22 Sheriff
1) October 20, 1981 Appe	llant's Appeal from decision of County Board of	f Appeals fd.

2) Oct. 22, 1981 - Certificate of Notice fd.

(3) Oct. 30, 1981 - Appellant's (Bosley) Petition fd.

(4) Nov. 16, 1931 - App. of Raymond F. Altman as atty for defts (Cortana Space and Compton) and same day Answer to Petition fd.

(5) Hov. 19, 1981 - 'ppellant's (Bosley) Notion for an Extension of Time to Transmit Testimony and Order of Court granting an extension of 75 days fd. (WRB)

(6) Nov. 23, 1981 - Appellees' Answer to Motion for an Extension of Time to Transmit Testimony and Request for Hearing fd.

(7) Nov. 23, 1981 - Appellees' Motion to Dismiss, Request for Hearing and Points & Authorities

(8) Nov. 27,1981- Petitioners (Kenneth Bosley) Answer to Motion to Dismiss & Mequest for Hearing fd.

(9) Dec. 11, 1981 Answer & Transcript of Record fd.

(10) Dec. 11, 1981 Appellees Motion to Strike Extension of Time to Transmit Testimony & to Shorten the Time for Filing Memoranda fd.

(11) Dec. 16, 1981 - (Huntmak Associates & Cortana Space Port) Appellees Order of Court fd.

(12) Jan. 6, 1982- Correspondence fd.

(13) Jan. 18, 1982 Appellant, (KENNETH BOSLEY) Motion to Stay Proceedings and Exhibit fd.

(14) Jan. 18, 1982 Appellees, (HUNTHAK ASSOCIATES & CORTANA SPACE PORT, INC.) Answer to Notion to Stay Proceedings fd.

(15) Jan. 19, 1982- Memorandum of Appellees, Cortana Space Port, Inc. and Muntmak Associates fd.

MISCELLANEOUS DOCET No. 13

CASE No. 7680

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

March 24, 1981

Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

HARRY J. PISTEL, P. E.

DIRECTOR

Re: Item #156 (1980-1981) Property Owner: Huntmak Associates N/E corner Shawan Road and McCormick Road Acres: 1,840 sq. ft. District: 8th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

As stated in the comments supplied for Item 79 (1980-1981), Baltimore County highway and utility improvements are not directly involved and are as secured by Public Works Agreement 87915 executed in conjunction with the current development of Hunt Valley Mall.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 156 (1980-1981).

> Very truly yours, PEBERT A. MORTON, P.E., Chief

Bureau of Public Services

RAM: EAM: FWR: 88

cc: Jack Wimbley Paul Koch

V-NE Key Sheet 73-75 NW /-9 Pos. Sheets NW 19 B & C Topo 42 Tax Map

Attachment

: BEFORE THE ZONING COMMISSIONER

RE: PETITION FOR SPECIAL HEARING NE comer of Shawan Rd. and McCormick Rd. Extension,

OF BALTIMORE COUNTY

HUNTMAK ASSOCIATES, Petitioner : Case No. 81-193-SPH

::::::

Mr. Commissioner:

Eth District

Pursuant to the authority contained in Section 524.1 of the Baltimore County

Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore,

and of the passage of any preliminary or final Order in connection therewith.

Reter Max Timerman Peter Max Zimmerman Deputy People's Counsel

Mr. William E. Barmond

County Office Duilding

Towson, Haryland 21204

Zoning Commissioner

Dear Mr. Hammonds

BRID THE FREE SE

oc: J. Wimbley P. Koch

V-KE Key Sheet

42 Tax Map

MI 19 B & C Topo

73-75 NH 7-9 Pos. Shouts

Coneral:

John W. Hessian, III People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 4th day of May, 1981, a copy of the aforegoing Order was mailed to Raymond F. Altman, Esquire, Suite 1230 Sun Life Building, Charles Center, Baltimore, Maryland 21201, Attorney for Petitioner; and Marc Rodstein, Vice-President, Cortana Space Port, Inc., 501 Masons Mill Business Park, Huntington Valley, Pennsylvania 19006, Tenant.

December 2, 1930

Pa: Item #79 (1980-1981)

The following comments are furnished in regard to the plat submitted to this office

for review by the Zoning Advisory Committee in connection with the subject item.

and are secured by Public Works Agreement \$87915 executed in conjunction with

Advisory Committee ravies in connection with this Itom 79 (1980-1981).

the current development of Eint Valley Mall.

Estimore County highway and utility improvements are not directly involved

This office has no further comment in regard to the plan submitted for Zoning

The second secon

very truly yours,

ISIGNED) EDWARD A. MODONOUGH

POSERT A. MORTON, P.E., Chief Duran of Public Services

Property Owner: Bunt Valley Properties Corp.

M/S Shawan Rd. 535' W. of York Rd.

Acros: 106.245 Acres District: 6th

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204

DIRECTOR

May 18, 1981

Mr. William Hammond, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #156, Zoning Advisory Committee Meeting, March 3, 1981, are as follows:

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

Property Owner: Huntmak Associates Location: NE/corner Shawan Road and McCormick Road Acres: 1840 sq. ft. District: 8th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

- This petition meets the requirements of the Division of Current Planning and Development

Very truly yours,

Planner III Current Planning and Development BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Mr. Raymond F. Altman, Esquire

May 15, 1981

COUNTY OFFIC" BLDG.

Bureau of Burcau of Fire Prevention

Health Department Project Planning sullding Department Board of Education

Industrial

Charles Center, Suite 1230 Sun Life Bldg. Baltimore, Maryland 21201 RE: Item No. 156

Petitioner - Huntmak Associates Special Hearing Petition

Dear Mr. Altman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Because of your proposal to locate an amusement center in a B.M. zone in conflict with the current interpretation of the Zoning Commissioner, which requires a Special Exception in a B.R. zone for this use, this Special Hearing is required.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

/ Chales D Commadan. NICHOLAS B. COMMODARI Chairman

Zoning Plans Advisory Committee

Enclosures

NBC:bsc

baltimore county department of traffic engineering TOWSON, MARYLAND 21204 (301) 494-3550

STEPHEN E. COLLINS

March 16, 1981

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

With regard to ZAC Meeting of March 3, 1981,

this department has no comment on items #155 thru #161.

Very truly yours,

Michael S. Flanigan Engineer Associate II

MSF/bza

156

January 29, 1982 Hon. James H. Langrall. Hearing had. Appellees Motion to Dismiss - GRANTED by the Court.

- (17) Feb. 16, 1982 Order of Court that the Notion To Stay Proceeding filed 1 these proceedings by Kenneth Bosley is Moot and said Motion to Stay procestings be a... the same is hereby DENIED; and it is further Ordered, that the Motion to Dismiss filed herein by the Appellees relating to the failure of Kenneth Bosley to comply with Rule Bl2 of the M: Rules of Procedure and the same is hereby granted and it is FURTHER ORDERED, that the Appeal filed in theses proceedings by Kenneth Bosldy, in proper person, be and the same if hereby dismissed; and it is that the Appellant, Kenneth Bosley be and he is hereby ordered to pay the Court Costs of this proceeding fd.
- (18) March 16,1982-Order for an Appeal to the Court of Special Appeals of Maryland fd. (Filed by Kenneth Bosley) 2/29

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204 DONALD J. ROOP, M.D., M.P.H. DEPUTY STATE & COUNTY HEALTH OFFICER

March 10, 1981

Mr William E. Hammond, Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

District:

Comments on Item 156, Zoning Advisory Committee Meeting of March 3, 1981, are as follows:

> Property Owner: Huntmak Associates NE/Corner Shawan Road and McCormik Road Location:

Existing Zoning: BM Proposed Zoning: Special Hearing to approve an amusement game center for a commercial recreation enterprise

1840 sq. ft.

in a BM zone.

Metroplitan water and sewer are available.

If a food service facility is proposed, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, Baltimore County Department of Health for review and approval prior to construction.

BUREAU OF ENVIRONMENTAL SERVICES

IJF/kc

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 825-7310

PAUL H. REINCKE

March 20, 1981

Mr. William Hammond **Coning Commissioner** Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Huntmak Associates

Location: NE/Corner Shawan E Road & McCormik Road

Zoning Agenda: Meeting of March 3, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be correct. I or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition price to occupancy. NOTE: Exit corridor capacity may have to be increased

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

Kly 3-24-11 Approved: Legene M M. Commet Planning Group Special Inspection Division

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES TOWSON MARYLAND 21204

TED ZALESKI, JR.

Mr. William E. Hammond, Zoning Compissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Comments on Item #156 Zoning Advisory Committee Meeting. March 3, 1981

Huntmak Associates Property Owner: NE corner Shawan Road & McCormick Road location: Existing Zoning:

Special Hearing to approve an amusement game center for a commercial recreation enterprise in a BM zone.

March 4, 1981

1840 sq. ft.

XA. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

XD. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. In wood frame construction an exterior wall erected within 6' 0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot line. A minimum 8" masonry firewall is required if construction

P. Requested variance conflicts with the Baltimore County Building Code,

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set s of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require

H. Before this office can comment on the above structure, please have the owner, thru the Services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 214.

MOTE- These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

CEB: rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: February 25, 1981

Mr. William E. Hammond Zoning Commissioner Baltimore County Office Building IIII West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: March 3, 1981

RE: Item No: 155, 156, 157, 158, 159, 160, 161 Property Owner: Location: Present Zoning: Proposed Zoning:

District: No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours Wm. Nick Petrovich, Assistant Department of Planning

0

June 12, 1981

Raymond F. Altman, Esquire Suite 1230, Sun Life Building Charles Center Baltimore, Maryland 21201

> RE: Petition for Special Hearing NE/corner of Shawan Road and McCornick Road Extension -8th Election District Hutmak Associates - Petitioner NO. 81-193-SPH (Item No. 156)

Dear Mr. Altman:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND Zoning Commissioner

WEH/srl

Attachments

cc: Mr. Kenneth Bosley Box 344 Cockeysville, Maryland 21030

> John W. Hessian, III, Esquire People's Counsel

494-3180

County Board of Appeals Room 219, Court House Towson, Maryland 21204

July 30, 1981

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

HUNTMAK ASSOCIATES CASE NO. 81-193-SPH

NE/C Shawan Rd. and McCormick Rd. Extension

8th District

SPH-to use property as amusement game center in a BM zone

THURSDAY, AUGUST 20, 1981, at 11 a.m.

6/12/81 - Z.C. (Wm. Hammond) DENIED petition for special hearing

Petitioners

ASSIGNED FOR:

Protestant cc: Mr. Kenneth Bosley

Huntmak Associates

Cortana Space Port, Inc.

Attorney for Petitioners Raymond F. Altman, Esq.

Requested Notification Richard F. Compton

People's Counsel J. W. Hessian, Esa.

Norman Gerber

J. E. Dyer

William Hammond

EXHIBITS IN BACK OF DRAWER

June Holmen, Secy.

7/30/81 - Notified the following of hearing set for THURSDAY, AUG. 20, 1981, at 11 a.m.:

Kenneth Bosley Raymond Altman, Esq. J. Hessian, Esq. N. Gerber J. E. Dyer Wm. Hammond Cortana Space Port, Inc. Huntmak Associates Richard F. Compton

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County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

September 22, 1981

Raymond F. Altman, Esq. Suite 1230, Sun Life Bldg. Charles Center Baltimore, Md. 21201

Dear Mr. Altman:

Re: Case No. 81-193-SPH Huntmak Associates

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.

cc: Mr. Kenneth Bosley
Cortana Space Port, Inc.
Huntmak Associates
Richard F. Compton
J. W. Hessian, Esq.
N. Gerber
J. Dyer
W. Hammond

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

October 21, 1981

Raymond F. Altman, Esq. Sui 1230, Sun Life Bldg. Clicales Center Baltimore, Md. 21201

Dear Mr. Alt an:

Re: Case No. 81–193–SPH Huntmak Associates

Notice is hereby given, in accordance with the Rules of Procedure of the Cour. of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen, Secy.

Encl.
cc: Cortana Space Port, Inc.
Huntmak Associates
Richard F. Compton
J. W. Hessian, Esq.
N. Gerber
J. E. Dyer
W. Hammond

October 21, 1958

BILLID 10: Kenneth Bartey
Box 344
Cockeysville, Md. 21033

Huntmak Associates
NE corner of Shawan Rd. and
AscCornick Road Extension
8th District

MAKE CHECKS PAYABLE TO:

Bultimore County, Md.

REMIT TO:

County Board of Appoints Rm. 200, Court House Towner., Mt. 21204 494-3180

Courty Board of Apprels
from 119, Court terms
from, theyboard 11704
October 21, 1581

Mr. Konneth Badey Bus 344 Contegorillo, Md. 21000

Dow M. Booleys

Fer C

Bet Cose No. 81-193-5PH Museumh Assertates

to apparence with Eulo B-7 (a) of the Eulos of Procedure of the Court of Apparels of Maryland, the Courty Board of Apparels is required to submit the record of presentings of the soning apparel which you have taken to the Circuit Court for Baltimere Courty in the aliene marter within thirty days:

The east of the transcript of the record must be poid by you.

Contified capies of any other documents necessary for the completion of the record must the be at your expense.

the same of the transcript, pick any other discovering must be paid in time to transcript the same to the Circuit Court and into them this years from the dute of any partition you might file in court, in occordance with Rule 8-7 (a).

Enclaned is a capy of the Cartificate of Notice; also invoice covering the cost of cartified capies of necessary decuments.

Very buly yours,

Apin Hulmon, Socretary

lab.

494-3180

County Board of Appeals
Room 219, Court House
TOWSON, MARYLAND 21204
September 20, 1982

Mr. Julius A. Romano
Clerk of the Court of Special Appeals of Maryland
Annapolis, Maryland 21404

Re: Misc. No. 7680 Huntmak Associates

Dear Mr. Romano:

Please forward to this office a copy of the opinion in the above entitled case when it is filed by the Court of Special Appeals. We would appreciate it if you would note our request in your file on this case. Thank you.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 488

September Term, 1982

KENNETH BOSLEY

HUNTMAK ASSOCIATES, et al.

22 G 30 AM '82
CHIN THOUSED

COUNTY BOARD CF STEALS BY: _____ Moylan,
Mason,
Thomas, Basil A. (Specially
Assigned)

JJ.

PER CURIAM

Filed: November 18, 1982

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One of the appelless herein. Hunthes associated, owns the Hunt Valley Mail, which is a regional, enclosed an pring mail in Baltimore County. It is rosed iff. Another of the accellers. Cortana Space Port, Inc., leased a part of the sunt valley dans premises in order to operate an anusement game series, shown as

an arcade. In early 1981, the appelless tiles a Petition for Special Hearing in order to operate their arcade. This was an accord with the then applicable procedure in a EM Zone. On

to the Baltimore County Doard of Appeals. The Board reversed the decision of the Zoning Commissioner. The appellant, denteth Bosley, then appealed that decision of the Soard to the circuit Court for Baltimore County. The perfecting of that appeal required, incer alia, compliance with MS. Role 212, which provides.

Table II (Inst.) the Instruction of the control of

"Within 30 days after being notified by the clerk of the filing of the record. the Appellant shall file a memorandum setting forth a concise statement of all issues raised on appeal and argument on each issue, including citations of legal authorities and references to pages of the transcript and exhibits relied on."

The record in that case was filed in December 11, 1981. Desice of that filing was duly mailed by the clerk to both parties, the appellees having received their notice on December 11. Despute nonmanications from the appellees' att free, the appellees H. Langrall, in the Circuit Court for Baltimore County, granted the Motion to Dismiss because of noncompliance with the mandatory provisions of

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The acceptance of Journal of the second of the contract of the

The sail on the appeal and distance whether the Saitimore County

prevail on this appeal and illimiters belone the sections of County of the sections of County of the Sister and County of the Sister Sister and County of the Sister Siste

"(A) An areade, with any number of anusement devices, is permitted as of elected in the 2 L . 8 M . and 3 % . Iones when i leated in (i) a braiter alley, .) a rotal or motel or motel or . billiard or book to de or were located in an englosed sail provided that public access to the areade (except for emergency use) may only be wis the enclosed concourse."

The appellers would now be estitled to their arcade as a matter of right and the challenge raised by the appellant is.

Charefore, . whisi

COSTS TO BE FAID BY AFFELLAUT.

LAW OFFICES David R. Cohan PROFESSIONAL ASSOCIATION SUITE 1230, SUN LIFE BUILDING CHARLES CENTER

DAVID R. COHAN RAYMOND F. ALTMAN I. LEE FINKELSTEIN *CHARLES J. PIVEN GREG N. REAMER *MEMBER MARYLAND A'D FLORIDA BARS

BALTIMORE, MARYLAND 21201 February 23, 1981

AREA CODE 301

Baltimore County Zoning Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Attention: Nicholas B. Commodari

Re: Petition For Special Hearing of Cortana Space Port, Inc. and Huntmak Associates Item No. 156 Hunt Valley, Mall

Dear Mr. Commodari:

On February 17, 1981, I filed on behalf of Cortana Space Port, Inc. and Huntmak Associates a Petition For Special Hearing together with the requisite Plats and Zoning Descriptions.

At that time, you requested that I provide you with additional information supporting the signature of Arthur L. Powell who signed as the "Authorized Signatory" for Huntmak Associates. Accordingly, I have enclosed a copy of a letter under date of February 19, 1981 that I received from Larry Trachtman, Senior Counsel for Kravco, Inc. The letter sets forth in detail the ownership of Huntmak Associates and supports t e signing of the Petition for Special Hearing by Arthur L. Powell.

I trust that the enclosed letter is sufficient for you to proceed to process the Petition For Special Hearing. Should you need any additional information, please contact me immediately because time is of the essence in this matter.

February 23, 1981 Pa ≥ 2

Thank you again.

Sincerely yours,

RFA:cms Encl: ure February 19, 1981

Ray Altman, Esquire Suite 1230 Sun Life Building Charles Center Baltimore, MD 21201

Re: Huntmak

Dear Ray:

This will confirm the conversation you and I had several days ago regarding the Huntmak signature. Muntmak Associates is a general partnership composed of Shawan Associates, T Maryland general partnership and The Equitable Life Assurance Society of the United States. Shawan is the managing partner of Huntmak, and as such is authorized to make all decisions affecting Huntmak. Shawan in turn is a partnership composed of Shawmak Associates, a Pennsylvania limited partnership and MAP Associates. Shawmak is the managing partner of Shawan and hence is authorized to make all decisions affecting Shawan and therefore Huntmak. The general partners of Shawmak Associates are Kravco, Inc., a Pennsylvania corporation and Myles H. Tanenbaum, an individual. Either general partner c Shawmak can make decisions affecting Shawmak and hence Shawan and Huntmak. Arthur L. Powell is president of Kravco, Inc. and hence, by tracing the route outlined above. is the authorized signatory for Huntmak to sign documents affecting Huntmak, Shawan and Shawmak,

LARRY TRACHTMAN LT/1s

3,14

Sincerely,

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215/337-1310

KRAVCO INC

Law Orrican

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Ravid R. Cohan Samesannia Actorism beren turbe bu a Latie De eranter

Battimone Mantiaun utmit february 27, 1981

F11-0-74 54-84 Baltimore County Joning Office County Office tuilding 111 W. Chesapeake Avenue

Towards Maryland 21294

Attention to Sieheland B. Cocumulars

Bet Tetition for Special nearing of Cottara frace Port. Inc. and Huntman Associates Transit Ites to takey Mail

MUNTHAL ASSECTATES Lede Mr. Commidsell

During one of our conversations about the above matter, you asked if the frequerty was marked so that you would be able to locate Store bo. 254.

The section is a second of the fire of the control the street and the sector attachments are done from the first and a to assist it also in attry the Property. When you are ready to inspect the Property, please call John Comp of Franco, Inc. his those number is 215-337-1250. He will make arrangements to have some meet you at the same and show you the Property.

The telephone call to Mr. Comp is a long distance call. If you thank at an necessary, the fetata ners will reambarse you for

Should you have any questions, please do not hesitate to call me at your convenience.

Very truly yours,

Raymond T. Altman

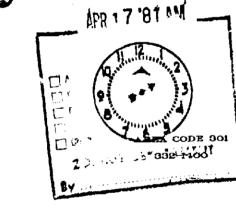
CC: Mare Rodstein cer John Comp

DAVID R. COHAN RAYMOND F. ALTMAN I. LEE FINKELSTEIN *CHARLES J. PIVEN GREG N. REAMER *MEMBER MARYLAND AND FLORIDA BARS

LAW OFFICES David R. Cohan

SUITE 1290. SUN LIFE BUILDING CHARLES CENTER BALTIMORE, MARYLAND 21201

April 16, 1981



Baltimore County Zoning Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: William Hammond, Zoning Commissioner

Re: Petition for Special Hearing of Cortana Space Port, Inc. and Huntmak Associates Hunt Valley Mall Item No. 156

Dear Mr. Hammond:

On February 17, 1981, I filed the above referenced Petition for Special Hearing.

Last week I telephoned Mr. Commodari to ask if a hearing date had been assigned in this matter. Mr. Commodari advised me that the employee that customarily handles the scheduling of hearings was no longer employed by the Zoning Office and therefore no hearings were being scheduled. I found this quite distressing particularly in light of the fact that time is of the essence in this matter. Accordingly, I telephoned you and was advised that you were on vacation. Therefore, I spoke to Ms. Jung. She had Mr. Dyer telephone me. Mr. Dyer politely advised me that the scheduling of hearings was somewhat delayed but he did not expect any significant delay. I told him that I would write to you to see if it was possible to get the earliest possible hearing date.

April 16, 1981 Page 2

A CONTROL OF THE PARTY OF THE P

The Petitioner, Cortana Space Port, Inc., is a prospective tenant at Hunt Valley Mall. It is my understarding that the Hunt Valley Mall is expected to have a grand opening in September, 1981. The Landlord of Hunt Valley Mall has advised Cortana Space Port, Inc. that its Lease will be cancelled unless they can be open for business for the grand opening.

David R. Cohan

Since a prompt hearing date is crucial to the business of Cortana Space Port, Inc., I respectfully request that the earliest possible hearing date be assigned. My client and I will do everything we can to adjust our schedules to meet your needs and provide you with all information necessary to expedite this matter.

I thank you for your consideration.

Sincerely yours,

RFA:cms

EDWARD B. VINSON *MEMBER MANULAND AND PLOBIDA BARA

David R. Cohan

LAN GREWIN David R. Cohan Proprantual Asses to tem Starp 19.00 Stm Der Heitenmi

BALLIMORE, MARYLAND 21200. DAVID R. COHAN MAYMOND I. AUTMAN L LEE PINKELSTEIN June 17, 1981 CHARLES J. PIVEN CHEG N. REAMER

Mr. William Hammond, Zoning Commissioner County Office Building Towson, Maryland Tlick

> Re: Petition For Special Hearing Store No. 254, Hunt Valley Mall, Northeast Intersection of Shawan Road and McCormick Road Extension, Baltimore County, Maryland Petitioners: Cortana Space Port, Inc. Huntmak Associates Case No. 81-193-SPH (Item No. 156)

Dear Mr. Hammond:

Kindly enter an appeal in the above referenced case to the County Board of Appeals of Raltimore County on behalf of the Petitioners, Cortana Space Port, Inc., 501 Marchs Mill Business Park, Huntingdon Valley, Fennsylvania 15006 and Huntmak Associates, c/o Kravco, Inc., 160 King of Prussia Plaza, P. O. Box 135, King of Prussia, Jennsylvania 19406 from the Order of the Zoning Compissioner, dated

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

Na. 096944

nt of \$45.00 in

DATE 6/2	2/81	_account_C1-662	£,	
		AMOUNT \$45.(-)	5.77	
HICEIVED	David R.	Cohan. Esquire		
FF 354	iling Fee for	Appeal of Case #11-193-SPH		1

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LAW CHECKE

January 1, 1982

surente bilid Baltimore County Toning Office

> County Office Building Sil m. Tres esse Aven e i di waka ya Marya wa Sanasa wa

Attentions million Minmond, Toning Commissioner

ker Petition For Special Mearing of Cottana Space Port, inc. and Hirtory List Clotes Siles SON Hunt Failey Mail Item ho, 50

Dear Commissioner Sammond:

On February 17, 1981, Corvana Space Port, Inc. and Muntmak Associates filed a fetition for Special Mearing for the purpose of approving the use of the premises ("fremises") known as Store No. 254 in Bunt Valley Hall as an amusement game center in a BR lone. On May 16, 1981, you took evidence on "his Petition and on Jane 12, 1981 you issued an Order denging the Petition For Special Mearing. An appeal was taken to the Baltimore County Board of Appeals ("Board") by Cortana Space Port, Inc. and Mantmak Associates. The Appeal was heard by the Bossd on August 20, 1981 and on September 22, 1981 the Board ordered that an agreement game center at the Fremises is a commercial recreation enterprise.

Aubsequent thereto, one protestant, Penneth Bosley, Illew an appeal in proper person to the Circuit Court for Baltimore County. The expeal to the Circuit Court for Baltimore County is now panding.

The is the amount of the wall of the continue of the formal of the continue of

Cortana Space Port, Inc. intends to proceed with construction of its leasehold improvements at the Premises and use the Premises as an amusement game center. Prior to expending large sums of money for architects, the preparation of plans, and related expenses, I respectfully request that you acknowledge that the Zoning Office will approve all applications for building permits, alteration permits, use and occupancy permits and any other related or ancillary permit that may be required or necessary to construct the leasehold improvements at the Premises and use the same as an amusement game center. Cortana Space Port, Inc. intends to proceed pending the appeal to the Circuit Court for Baltimore County and it is clear that it has the right to do so. In support of its position, I respectfully invite your attention to the case of The Swarthmore Company, et al v. Kaestner, et al, 258 Md. 517. Also see Chesapeake Park, Inc. v. A.stin A. Donleve, 40 Md. App., 52.

Further, you recently requested an opinion of the County Solicitor in the matter of F & S Limited Partnership at 307 W. Chesapeake Avenue, Towson, Maryland. In response thereto, the County Solicitor issued to you a letter of advice dated November 10, 1980. The thrust of the County's advice was that the Board's decision was final and binding on all parties and pending an appeal there must be an issuance, upon proper application, of an occupancy permit.

In light of the above, I request that you sign the bottom of this letter for the purpose of acknowledging that the Zoning Office will approve all applications for permits related to construction of the premises and the use and occupancy thereof as an amusement game center. Of course, the position of the Zoning Commission is subject to change in the event of an adverse decision by the Circuit Court for Baltimore County or any other appellate court.

David R. Cohan

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

May 20, 1981

WILLIAM E. HAMMOND ZONING COMMISSIONER

Raymond F. Altman, Esquire
Suite 1230 Sun Life Building
Charles Center
Baltimore, Maryland 21201

Petition for Special Hearing
NE/c Shawan Rd. & McCormick Rd. Extension
Huntmak Associates - Case #81-193-SPH

Dear Mr. Altman;

This is to advise you that \$58.50 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

WILLIAM E. HAMMONI Zoning Commissioner

Very truly yours,

WEH:klr

BAI/TIMORE COUNTY, MARYLAND
OFFICE OF FINANCE · REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE

\$/2*/81

ACCOUNT

AMOUNT \$58 50

RECEIVED
PROM:

POSTING AND Advertising of Case #81 193 - SPII

FOR: Posting and Advertising of Case #81 193 - SPII

FOR: Posting and Advertising of Case #81 193 - SPII

FOR: Posting and Advertising of Case #81 193 - SPII

300 2 1 3 N 22

Page 3

Kindly give this matter your usual prompt attention.

Sincerely yours,

Raymond F. Altman

RFA: cms

The undersigned, William Hammond, Zoring Commissioner, does hereby acknowledge that the Zoning Office will approve all applications for permits relating to construction of the Premises and the use thereof as an amusement game center. The position of the Zoning Office is subject to change in the event of an adverse decision by the Circuit Court for Baltimore County or any other appellate court having jurisdiction thereof.

William Hammond, Zoning Commissioner

Date:___

David R. Cohan

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond Zoning Commissioner

Date May 13, 1981

Norman E. Gerber, Director FROM Office of Planning and Zoning

SUBJECT Petition No. 81-193-SPH Item 156

Petition for Special Hearing

Petition for Special Hearing
Northeast corner of Shawan Road and McCormick Road Extension
Petitioner- Huntmak Associates

Eighth District

HEARING: Tuesday, May 26, 1981 (1:30 P.M.)

There are no comprehensive planning factors requiring comment on this petition.

A TO TO THE STATE OF THE STATE

Norman E. Gerter Director
Office of Planning and Zoning

NEG:JGH:ab

SPACE PORT

COTTAGE ELECT FOST, MICE SET Messers State Humans for 1 1980s

Tilly SET 4428

March 19, 1982

Bultimore County Zoning Board County Office Building 111 W. Chemapeake Avenue Towson, Maryland 21204

All Petition for Special Bearing of Colland Stace Post, Inc., and Bustons Arms and a second s

Rost Sealer Mail #154

ATIN: Mr. William Hammond Zoning Commissioner

Dear Commissioner Hammond.

In connection with the application of (CAIANA STACE PORT, INC. I a permit to construct its leasehold improvements at Bont Valley Mail pleases be advised that CORIANA SPACE PORT, INC. understands and acknowledges that there is a pending appeal to the Court of Special Appeals and there could possibly be a reversal of the cainting order of Saitimare County Board of Appeals and a reversal of the Circuit Court's Order of February 16, 1982 dismissing the appeal flow the Cecimies of the Rate. Accordingly, CORIANA STACE INSI, INC. a recognition of the Rate of a reversal of the board's with following a section of a special and the tircuit court's decisions. In the event of a reversal of the board's and court's decisions. CORTANA SPACE PORT, INC. may sustain mometary leases if at constructs its leasehold improvements and CORTANA SPACE PORT, INC. to sustain the two persons that the mometary leases shall be the responsibility or lightly of Baltimore County.

Very truly yours,

Japen J. Chiebers 12005

JJG:re

Broadmead

July 17, 1981

Caltinore to a two Board of Porrais Sound tourse Touson, MD 21204

Bet Case # 81-1934 5PH

To Whom It May Concern:

For the record, we would appreciate placement in file for notification of the hearing date, time, and place concerning the above referenced appeal.

Thank you for your cooperation and assistance in this matter.

Sincerely,

Richard F. Compton
Associate Director

RFC:par

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WAYN ASSESSMENT

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Charles Contes

c/e Reymond Y. Alaman, Enquire Sume 1110 Sum Life Raillica

Dalatoners, Maryland . JUCA . P "TITITI

PLACES TO A STATE OF THE STATE

1475; Tuesday, May 24, 1961

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Parid R. Cohan

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April 17, 1911

Politica for Special Reacting of Elegant of Elegan

Road & MisCornick And Lineraton - Case Nu. (1-193-SPH

Manager Collection

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ATTN: william T. Backett, Chairman

letter in the limit learing of the No. 254, last valley Mall, while west interested in all characters and thereton, heltmore County, Maryland Petitioners: Cortana Space Port, inc. and Sunthan Associates Case No. 21-193-178 (Item No. 136)

less Mr. Lacketts

I represent the Appellants in the above-captioned Appeal from the order of the Juning Commissioner dated June 12, 1981.

The Alberta are the Landlerd and Tenant of Store No. 116 which is reing countracted at that Valley Mail. The developers of suct lating Mail expect to have the Land operates in Esptember, 1981. Indees the Augustiant, Costana Stand Late, Inc., receives a recent testing that the Augustiant of the Costana Landler Costana and Late, Inc., will less its asset to fine and a tenanticus hardship on Costana Lade Fort, Inc., because it has invested a great deal of time, every and money in its effects to have a location at Nant Valley Mail.

The single issue before the Board is whether the Appellant, Cortana Space Fort, inc., has the right to use the property as an assessment came center in a BM street, we believe that we can present all of the evidence to the Board in a very concise and direct matter and, hopefully, the entire hearing would not

that the Paul Coulders & Marchael It to Private to Inches

and the second of the second o

Baltimore County Board of Appeals • July 27, 1981 O 81-193.5PH Page Two Petition For **Qe Essex Times** Special Hearing CENTIFICATE OF POSTEM 8th District Zoning: Petition for Special Hearing Location: Northeast ZONING DEPARTMENT OF BALTIMORE COUNT? involve more than thirty to forty-five minutes. corner of Shawan road and McCormick road Although I know that you have an extremely heavy docket, I respectfully request that the Appellants This is to Certify, That the annexed District & the Extension
Date & Time: Tuesday,
May 26, 1981 at 1:30 P.M. District. St. L. Posted for: Special Scharing be given the opportunity to have a hearing as early as possible. The Appellants do not require a great deal of Public Hearing: Room 106. County Office Building 111 W. advance notice, and perhaps we could be given a hearing if another appeal is postponed. Petitioner: HUNTMAK ASSECIATES Chesapeake avenue.
Towson, Maryland.
Towson, Towson Location of property: NE/Come of Skarrow Hold and Milliam Read location of Signa: / Signa NE/Corner of Above on Frad and Milliam Read Statement, Isigna NS York Road Affect, 300'S of Milliam Remarks: Again Could mot be forted at interestion of 444 NA Growth Law it excention with Milliam Date. Date is return 13 an 11-61 was inserted in The Essex Times, a newspaper Zoning Should you need any additional information or documentation, please do not hesitate to contact me at C. ussioner of Baltimore print. d and published in Baltimore County, once in County, by authority of the Zohing Act and Regulations of Baltimore County, will hold a public your convenience. hearing:
Petition for Special
Hearing unde. Section
500.7 of the Baltimore Sincerely yours, Rayul F Altru County Zoning
Regulations, to determine
whether or not the Zoning Raymond F. Altman Commissioner and/o Deputy Zoning Commissioner should approve the RFA/jag use of the property as an 19 amusement game center pursuant to the Zoning cc: Marc Rodstein DR 2 Regulations which permit a commercial recreation nterprise in a BM Zone. All that parcel of land i RC2 DR 3.5 PETITION MAPPING PROGRESS SHEET MLR BM BALTIMORE COUNTY, MARYLAND Wall Map Original Duplicate Tracing | 200 Sheet No. 85089 FUNCTION MISCELLANEOL H RECEIPT MLR Shopping Center known as Hunt Valley Mall located Descriptions checked and at the northeast intersection of Shawan outline plotted on map DATE Dec. 11, 1981 ACCOUNT 01,712 road and McCormick road Extension, Baltimore County, Maryland, the entire tract comprising said Shopping Center being recorded among the Land Records of Baltimore County in Plat Book 48, Folio 27. Petition number added to AMOUNT \$20.00 outline BL-CS-2 FROM: Kenneth T. Bosley, Box 334, Cockeysville, Md. 21030 Being the property of Huntmak Associates, as shown on plat plan filed with the Zoning Department.

Hearing Date:
Tuesday, May 26, 1981

AT 1:30 P.M.
Public Hearing Date. Denied FOR: Case No. 81-193-SPH. Huntmak Associates ML-IM Granted by ZC, BA, CC, CA Public Hearing: Room 06. County Office uilding, 111 West B B018*****2000:a #11#F Reviewed by: Revised Plans: hesapeake Avenue owson, Maryland, BY ORDER OF Change in cuttine or description ___ Yes William E. Hamm David R. Cohan BL-C5-2-Previous case: unities Center, Buite 1230 Sun Life Bldg. Seltimore, Md. 21201 81-193-SFH CERTIFICATE OF POSTING BALTIMORE COUNTY OFFICE OF PLANNING & ZONING ZONING DEPARTMENT OF BALTIMORE COUNTY County Office Building 111 W. Chesapeake Avenue BALTIMORE COUNTY OFFICE OF PLANNING & RONDIG Towson, Maryland 21204 County Office Building Your Petition has been received and accepted for filing this 111 W. Chesapeake Averue Towson, Maryland 21204 Petitioner: Huntmah Ussocialis Location of property: NEIC Showan Road & McCorniels Road WILLIAM E. HAMMOND Zoning Commissioner Ihmtmak Associates Reviewed by: / Nicholas B. Commodari Chairman, Zoning Plans BALTIMORE COUNTY, MARYLAND E. Hammond, Zoning Commissioner Advisory Committee OFFICE OF FINANCE - REVENUE DIVISION Number of Signs: MISCELLANEOUS CASH RECEIPT DATE April 24, 1981 ACCOUNT 01-662 PETITION FOR SPECIAL HEARING 8th DISTRICT the Petition for assignment of a CERTIFICATE OF PUBLICATION Raymond F. Altman, Esquire ZONING: Petition for Special Hear-Charles Center, Suite 1230 LOCATION: Petition for Special Hearing
LOCATION: Northeast corner of
Shawan Road and McCormick
Road Extension.
DATE & TIME: Tuesday, May 28,
1981 at 1:80 P.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland. David R. Cohan Sun Life Bldg. by: Catherine M. Stiffe Baltimore, M4. 21201 FOR file fee for case tE1-193-SFII THIS IS TO CERTIFY, that the annexed advertisement was BALTIMORE COUNTY OFFICE OF PLANNING & ZONING The Zoning Commissioner of Bal-timore County, by authority of the Zoning Act and Regulations of Bal-timore County, will hold a public 35.60 4 37 5 3 28 E 27 County Office Building published in THE JEFFERSONIAN, a weekly newspaper printed 111 W. Chesapeake Avenue Towson, Maryland 21204 theoring:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use of the property as an amusement game center pursuant to the Zoning Regulations which permit a commercial recreation enterprise in and published in Towson, Baltimore County, Md., aggeoin, gath VALIDATION OR SIGNATURE OF CASHIER of one time some six consequences before the 26th Your Petition has been received and accepted for filing this day of _____ Nay_____, 19_81, the Error publication commercial recreation enterprise in a BM Zone.

All that parcel of land in the Eighth District of Baltimore County. The premises known as Store No. 264 having dimensions of 30 feet of frontage and 22 feet in depth for a total area of 1840 square feet and located in the upper level of the enclosed Mall in the Shopping Center known as Huni Valley Mail Jocated at the northeast intersection of Shawan Road and McCormick Road Extension, Baltimore County, Maryland, the entire tract comprising said Shopping Center being recorded among the Land Records of Baltimore County in Plat Book 46. Folio 27,

Being the property of Pursuant appearing on the ___7th___day of ___May____ WILLIAM E. HAMMOND THE JEFFERSONIAN, Zoning Commissioner D. Junk sometin Cost of Advertisement, \$ _ & . Nicholas B. Commodari Chairman, Zoning Plans

Advisory Committee

Folio 27.

Being the property of Huntmak Associates, as shown on plat clan filed with the Zoning Department.

Hearing Date: Tuesday, May 26, 1931 at 1:30 F.M.

Public Hearing: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland By Order of WILLIAM E. HAMMOND, Zoning Commissioner of Baltimore County 24ay 7.

